REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 6-9 and 15-18 were pending prior to the Office Action. Claims 19 and 20 have been added through this Reply. Thus, claims 6-9 and 15-18 are currently pending of which claims 6 and 15 are independent. Claims 6 and 15 have been amended through this Reply. It is respectfully submitted that no new matter has been added by this amendment. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

Interview Summary

Applicants thank the Examiner for granting a telephone interview with the Applicant's representative on October 19, 2007. During the interview, deficiencies of the alleged anticipation rejection and possible amendments to the independent claims were discussed. *Please see the Interview Summary.*

Specification

The Specification has been amended merely to correct a typographical error. Specifically, on page 10, line 16 of the specification, the term "whether" has been deleted before "that is" in order to avoid repetition of the term "whether". It is respectfully submitted that no new matter has been added to the application through this amendment.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 8 and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that claims 8 and 17 contain the trademarks/trade names HWND ClassName, HWND Style, and ExStyle. The Examiner further

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stated that where a trademark/ trade name is used in a claim as a limitation to identify a particular material or product, the claim does not comply with the requirements of section 112, paragraph 2, as the claim scope is uncertain because the trademark or trade name cannot be used properly to identify any particular material or product. Applicant respectfully traverses this rejection. (*See page 2, section 4 of the Office Action.*)

The terms used in the specification are not trademarks or trade names as suggested by the Examiner. Rather, they are well-known terms of art as described in the Specification. For instance, the Specification provides definitions for various terms:

> The specific operating system window information that the present invention records for a parent window in working database 403 relates to a ClassName, a Style, and an ExStyle (extended Style). ClassName is a text string that identifies the class of a window in a well-known manner. Style is, for example, a 32-bit value providing s style mask in a well-known manner. ExStyle is, for example, a 32-bit value providing an extended style mask in a well-known manner.

See page 15, lines 6-11 of Specification as filed. The term HWND is also defined in the Specification at page 12, lines 10-11: "As used herein HWND is an acronym for a handle, or an identifier, for a particular open window." As is apparent from the recited text above, the respective meanings of the terms HWND ClassName, HWND Style, and ExStyle as used in claims 8 and 17 are established by an accompanying definition which is sufficiently precise and definite to be made a part of a claim.

Accordingly, claims 8 and 17 satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejection - 35 U.S.C. § 102(b) - Malamud

Claims 6, 8-9, 15, and 17-18 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Malamud et al. (U.S. 5,694,561)[hereinafter "Malamud"]. Applicant respectfully traverses this rejection.

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For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Malamud fails to teach or suggest each and every claimed element. For example, independent claims 6 and 15 recite, *inter alia,* "*determining whether the top user interface window at the selected display coordinate is a system user interface window* displaying system level properties of the computer operating system; *returning focus to a last user interface window having focus* based on the determination that the top user interface window at the selected display coordinate is a system user interface window." *Emphasis added.*

It is respectfully submitted that Malamud fails to teach or suggest the above-identified claim features of claims 6 and 15.

Malamud merely discloses a conventional method and system for grouping and manipulating windows in a window system wherein a plurality of displayed windows are grouped into a project group. Particularly, Malamud discloses various techniques to create a project group. These techniques may include creating and designating a project group folder and incorporating a group of windows (or icons) into the project group folder wherein the project group folder can be created by cloning an existing project group folder. The project group folder can also be created by using a template object to clone a freshly initialized project group folder, by creating or using an existing folder window and setting its project folder property, or by using an application programming interface ("API") routine or a user command to create a project group folder. (*See col. 6, lines 36-46.*)

Malamud is distinguished from the claimed invention in that nowhere does Malamud teach or suggest "*determining whether the top user interface window at the selected display coordinate is a system user interface window* displaying system level properties of the computer operating system; *returning focus to a last user interface window having focus* based on the determination that the top user interface window at the selected display coordinate is a system user interface window" as recited in the amended independent claims. Although the project group folders as taught by Malamud can be created by setting a project folder property

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associated with a folder window, there is no suggestion of any step of determining whether a top user interface window at a selected display coordinate is a system user interface window displaying system level properties of the computer operating system. Further, Malamud is completely silent on a step of *returning focus to a last user interface window having focus* based on the determination that the top user interface window at the selected display coordinate is a system user interface window as recited in claims 6 and 15.

Further, claims 6 and 15 each recite in relevant part:

> "storing information relating to each user interface window existing within a computer operating system in a working database, the working database being different from real-time user interface window information maintained by the computer operating system."

The Examiner alleges that in col. 2, lines 45-48, *Malamud* teaches a system comprising the steps of storing information relating to each user interface window existing within a computer operating system in a working database. (*See page 3, section 6 of the Office Action.*) It is respectfully submitted that the Examiner's interpretation of the relied upon section of Malamud is clearly erroneous. The relied upon section of Malamud merely discloses that the project group maintains information regarding which windows belong to the project group and provides a special set of project group commands for managing the windows belonging to the project group.

Applicant submits that *Malamud* fails to teach or suggest a working database that is different from real-time user interface window information maintained by the computer operating system because it only discloses a single set of data related to user interface windows. Claims 6 and 15 require two different sets of data having information relating to each user interface window existing within a computer operating system: (1) a working database; and (2) real-time user interface window information (different from the working database) maintained by the computer operating system. Conversely, as demonstrated above, *Malamud* merely teaches that a project group maintains information regarding which windows belong to the project group and provides for a special set of project group commands for managing the windows belonging

to the project group. The project group in *Malamud is the only* data set disclosed by *Malamud.* It might be characterized as a working database, but if so, then the *Malamud* reference lacks a separate, real-time user interface window information as recited in claims 6 and 15. If the project group in *Malamud* is characterized as real-time user interface window information, then it lacks a working database as required by claims 6 and 15.

Therefore, for at least these reasons, it is respectfully submitted that claims 6 and 15 are allowable over Malamud.

Claims 8-9 and 17-18 are at least allowable by virtue of their dependency on allowable base claim.

Accordingly, it is respectfully requested to withdraw the rejection of claim 6, 8-9, 15, and 17-18 based on Malamud.

Claim Rejection - 35 U.S.C. § 103(a) – Malamud, Thielens

Claims 7 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Malamud* in view of *Thielens et al.* (U.S. Pat. No. 5,666,139)[hereinafter "Thielens"]. Applicant respectfully traverses this rejection. Claim 7 depends from claim 6 and claim 16 depends from claim 15. As discussed above, *Malamud* fails to teach or suggest both a working database and real-time user interface window information maintained by the computer operating system that is different from the working database as recited in claims 6 and 15. Further, as discussed above, Malamud fails to teach or suggest "determining whether the top user interface window at the selected display coordinate is a system user interface window displaying system level properties of the computer operating system; returning focus to a last user interface window having focus based on the determination that the top user interface window at the selected display coordinate is a system user interface window" as recited in claims 6 and 15. *Thielens* has not been, and indeed cannot be, relied upon to cure the deficiencies in *Malamud.* As a result, claims 7 and 16 are allowable over the cited art.

Newly Added Claims 19-20

Applicant has added new claims 19 and 20. Support for these claims maybe found at least in pages 11 and 12 of the Specification. Claim 19 depends from claim 6 and claim 20 depends from claim 15. Thus, Applicant submits that new claims 19 and 20 are allowable over the cited references at least by virtue of their dependency on allowable base claim.

Conclusion

In view of the above remarks and amendment, it is believed that all pending claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 13, 2007   Respectfully submitted,

By _____ #58,755
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